

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DICK ANTHONY HELLER, <i>et al.</i>	)	
	)	
Appellants	)	
	)	
v.	)	No. 10-7036
	)	
THE DISTRICT OF COLUMBIA, <i>et al.</i>	)	
	)	
Appellees	)	

STATEMENT CONCERNING DEFERRED APPENDIX

Appellants will not utilize a deferred appendix.

Respectfully submitted,

Dick Anthony Heller  
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By counsel

/s/Richard E. Gardiner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing STATEMENT CONCERNING DEFERRED APPENDIX was mailed, first class postage prepaid, to Andrew J. Saindon, Assistant Attorney General, Equity I Section, 441 Fourth Street, N.W., 6th Floor South, Washington, D.C. 20001 this 23rd day of April, 2010.

/s/Richard E. Gardiner

Richard E. Gardiner